

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested. With the exception of the limitations emphasized below, such amendments have not been made for any reason related to patentability or for any other statutory considerations.

Claims 2-4, 6-11 and 33-34 are pending in this application.

Rejections under 35 U.S.C. § 112

Claims 2-4 and 6-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicants respectfully traverse this rejection for the reasons detailed below.

Without conceding to the Examiner's positions, Applicants have amended the above-mentioned claims to they particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 2 and 33

Claims 2 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reeder (U.S. 6,040,076) as applied to claim 2 above, and further in view of Yamamoto et al. (JP 2001-357859). Applicants respectfully traverse this rejection for the reasons detailed below.

To expedite prosecution and without conceding to the Examiner's positions, Applicants have amended independent claim 2 to recite, *inter alia*, "the outer

periphery bent in one of the U shape and the V shape having a base that is wider than the vertex." For at least the following reasons, these limitations are not met by the cited art.

Reeder discloses a peripheral seal region includes a separator plate that surrounds the periphery of each face of the separator plate. More so, the peripheral seal region in Reeder includes flattened peripheral seal structures. (Reeder, col. 3, lines 60-65). As illustrated in FIG. 2 of Reed, the flattened seal structures (FIG. 2, element 15), have vertices **that have the same width as their base**. Accordingly, Reed cannot meet "the outer periphery bent in one of the U shape and the V shape **having a base that is wider than the vertex**" as recited in amended claim 2.

Additionally, the Examiner does not use Yamamoto to meet the features as discussed above with respect to claim 2, nor does Yamamoto provide such teachings. Accordingly, Applicants submit that Yamamoto fails to cure the deficiencies as discussed above. Because the cited art does not meet each and every element of independent claim 2 and cannot be combined to do so, independent claim 2 is allowable. More so, Applicants submit that the dependent claims are allowable at least by virtue of their dependency from an allowable base claim. Therefore, withdrawal of this rejection is respectfully requested.

Claims 3-4 and 8-11

Claims 3-4 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reeder and Yamamoto et al. (JP 2001-093539), as applied to claim 2 above, and further in view of Kaneko et al. (U.S. 6,383,678). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner does not use Kaneko to teach or suggest the features as discussed above with respect to claim 2, nor does Kaneko provide such teachings. Accordingly, Applicants submit that Kaneko fails to cure the deficiencies as discussed above. Because the cited art fails to meet each and every element of independent claim 2 and cannot be combined to do so, independent claim 2 is allowable. Thus, the dependent claims are allowable at least for depending from an allowable base claim.

Claims 6-7 and 34

Claims 6-7 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reeder, in view of Yamamoto and Kaneko. Applicants respectfully traverse this rejection for the reasons detailed below.

To expedite prosecution and without conceding the Examiner's positions, Applicants have amended independent claim 6 to recite, *inter alia*, "the outer periphery bent in one of the U shape and the V shape having a base that is wider than the vertex." For at least somewhat similar reasons, as stated above in regards to independent claim 2, Applicants submit independent claim 2 is allowable.

Furthermore, The Examiner does not use Kaneko to teach or suggest the features as discussed above with respect to claim 6, nor does Kaneko provide such teachings. Accordingly, Applicants submit that Kaneko fails to cure the deficiencies as discussed above. Because the cited art fails to meet each and every element of independent claim 6 and cannot be combined to do so, claim 6 is allowable. Also, the dependent claims are allowable at least for depending from an allowable base claim. Accordingly, withdrawal of this rejection is respectfully requested.

Double Patenting

Claims 2-3 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 2, 5-6, 9, 11 and 20 of co-pending Application No. 10/579,067. Applicants respectfully traverse this rejection for the reasons detailed below.

Based on a recent check of the Public PAIR system, no claims have been allowed in the 067 application. Applicants respectfully request that the Examiner hold in abeyance the provisional rejection for this application until a Notice of Allowance is mailed for the 067 application.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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